

Emily Cooper OSB #182254
ecooper@droregon.org
Thomas Stenson OSB #152894
tstenson@droregon.org
David Boyer OSB # 235450
dboyer@droregon.org
Disability Rights Oregon
511 SW 10th Avenue, Suite 200
Portland, Oregon 97205
(503) 243-2081
Counsel for Plaintiff, Disability Rights Oregon

Jesse Merrithew OSB #074564
jesse@lmhlegal.com
Levi Merrithew Horst PC
610 SW Alder Street, Suite 415
Portland, Oregon 97205
(971) 229-1241
Counsel for Plaintiff, Metropolitan Public Defender

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES, INC., & A.J. MADISON,**
Plaintiffs,

v.

SAJEL HATHI, in her official capacity as head
of the Oregon Health Authority, & **SARA
WALKER**, in her official capacity as
Superintendent of the Oregon State Hospital,
Defendants.

**JAROD BOWMAN and JOSHAWN
DOUGLAS-SIMPSON**,
Plaintiffs,

v.

SARA WALKER, Interim Superintendent of the
Oregon State Hospital, in her official capacity,

Case No. 3:02-cv-00339-MO (Lead Case)
Case No. 3:21-cv-01637-MO (Member Case)

UNOPPOSED MOTION TO EXTEND
REMEDIAL ORDER

DOLORES MATTEUCCI, in her individual capacity, **SAJEL HATHI**, Director of the Oregon Health Authority, in her official capacity, and **PATRICK ALLEN**, in his individual capacity, Defendants.

UNOPPOSED MOTION TO EXTEND REMEDIAL ORDER

LR 7-1 Certification

Undersigned counsel for the Plaintiffs hereby certifies that Plaintiffs have conferred with counsel for Defendants prior to bringing this motion. Counsel for Defendants does not oppose this motion. Counsel for Plaintiffs also contacted counsel for all amici to let them know the motion would be filed.

Motion

Plaintiffs hereby move this Court for an order extending the current remedial order (Dkt. No. 416) for a period of six months. That order has been extended once before (Dkt. No. 457) and is set to expire on December 31, 2024 “unless renewed by the Court prior to that time.” (*See* Dkt. No. 416) at 8. Plaintiffs request that the Court renew the current remedial order.

Memorandum

The Court initially issued a remedial order in this case on September 1, 2022 (Dkt. No. 271). The order was at the request of the Plaintiffs and implemented the recommendations of the neutral expert, Dr. Pinals. That order was amended twice (Dkt. 387, 416) and was set to expire on December 31, 2023, but the Court extended it to December 31, 2024. (Dkt. 457).

While the remedial order was successful for a time in assisting Defendants to comply with the permanent injunction, Defendants have fallen out of compliance. While Plaintiffs do not

expect the extension of the remedial order will bring the Defendants back into compliance, we fear that allowing the order to expire will exacerbate the problem.

As the Court noted at the most recent status conference (Dkt. 527), the current state of the Defendants' compliance with the injunction is not acceptable and other remedial measures will be briefed by both parties. In the meantime, the order remains necessary, and the Court has the power to extend it. *Stone v. City & County of San Francisco*, 968 F.2d 850, 856 (9th Cir. 1992). Plaintiffs respectfully request that this Court extend the remedial order for six months.

DATED this 12th day of December, 2024.

DISABILITY RIGHTS OREGON

/s David Boyer
 David Boyer OSB # 235450
dboyer@droregon.org
 Emily Cooper OSB # 182254
ecooper@droregon.org
 Thomas Stenson, OSB # 152894
tstenson@droregon.org
 511 SW 10th, Suite 200
 Portland OR 97205
 Telephone: (503) 243 2081
 Facsimile: (503) 243 1738
Counsel for Plaintiff Disability Rights Oregon

LEVI MERRITHEW HORST PC

/s Jesse Merrithew
 Jesse Merrithew OSB # 074564
jesse@lmhlegal.com
 610 SW Alder Street, Suite 415
 Portland, Oregon 97205
 Telephone: (971) 229-1241
 Facsimile: (971) 544-7092
Counsel for Plaintiffs Metropolitan Public Defender, Jarrod Bowman, and Joshawn Douglas-Simpson

CERTIFICATE OF SERVICE

I hereby certify that I filed a true and correct copy of this document via the CM/ECF portal for the United States District Court for the District of Oregon on this 12th day of December, 2024, Participants in this case who are registered CM/ECF users will be served by the CM/ECF system. Additionally, all counsel for parties and amici were provided an e-mailed courtesy copy.

DISABILITY RIGHTS OREGON

/s David Boyer
David Boyer OSB # 235450
dboyer@droregon.org
511 SW 10th, Suite 200
Portland OR 97205
Telephone: (503) 243 2081
Facsimile: (503) 243 1738
*Counsel for Plaintiff Disability Rights
Oregon*